

REMARKS

In the November 12, 2004 Office Action, the Examiner:

- Rejected claims 46-49, 51-54 and 56-58 under 35 U.S.C. 102(e) as being anticipated by Nakase *et al.* (“Nakase”, U.S. Pat. No. 6,392,897);
- Rejected claims 50 and 62-67 under 35 U.S.C. 103(a) as unpatentable over Nakase in view of Shepherd (“Shepherd”, U.S. Pat. No. 4,781,624;
- Rejected claims 55 and 59 under 35 U.S.C. 103(a) as unpatentable over Nakase in view of Burger *et al.* (“Burger”, U.S. Pat. No. 4,788,766; and 4,781,624;
- Rejected claim 60 under 35 U.S.C. 103(a) as unpatentable over Nakase in view of Grisler (“Grisler”, U.S. Pat. No. 3,359,510.

On January 10, 2005, the undersigned attorney had a telephone conference with the Examiner regarding the applicability of the primary reference of Nakase as prior art. It was discovered that the USPTO records failed to indicate that the present application claims priority to both U.S. Application No. 09/507,303, filed 02/18/2000 (now U.S. Patent No. 6,266,730) and U.S. patent application no. 08/938,084, filed 09/26/97 (now U.S. Patent No. 6,067,594). Also, the present application is a continuation of U.S. Application No. 09/507,303, which is in turn a continuation of U.S. patent application no. 08/938,084.

Accordingly, pursuant to MPEP 201.11(V) Applicants hereby concurrently submit a Petition For Acceptance Of Unintentionally Delayed Claim For Priority. Should the Petition be granted, the present application will correctly claim priority back to 09/26/97. This will effectively remove the primary reference of Nakase (filed 8/10/1998) as prior art, thereby vitiating the outstanding rejections.


CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is now in a condition for allowance. However, should the Examiner believe that the claims are not in condition for allowance, the Applicant requests that the Examiner call the undersigned attorney at 650-849-7519 to set up an interview.

If there are any fees or credits due in connection with the filing of this Amendment, including any fees required for an Extension of Time under 37 C.F.R. Section 1.136, authorization is given to charge any necessary fees to our Deposit Account No. 50-0310 (order No. 060809-0080-US). A copy of this sheet is enclosed for such purpose.

Respectfully submitted,

Date: January 12, 2005



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